



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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July 14, 2004

**CERTIFIED MAIL
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RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 04-11**

Thornton Collision Center
2131 US Route 3
Campton, NH 03223

Attn: Kevin Daugherty, Owner

**Re: Thornton Collision Center
Campton, New Hampshire
EPA ID # NHD500003033**

Dear Mr. Daugherty:

On April 27, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Thornton Collision Center ("Thornton") in Campton, NH. The purpose of the inspection was to determine Thornton's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determinations had been performed for the waste fluorescent lamps, waste rags, and paint booth filters generated at Thornton. DES also verified that the waste lamps were routinely disposed of in the facility dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

- (a) **Waste Lamps:** DES requests that Thornton determine whether the waste lamps are a hazardous waste by either applying knowledge of the hazardous properties of the waste lamps or by testing a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. The analyses should

include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846.

Alternatively, Thornton may elect to manage the waste lamps as “universal waste”, in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7, “Universal Waste Lamps: Management Requirements for Handlers and Transporters”, and a DES “Fluorescent Lamp and Ballast Recycling Facility” list to aid you with the determination.

Thornton will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses; or information indicating that the lamps are being handled as a universal waste in accordance with Env-Wm 1100.

- (b) **Waste Rags:** DES requests that Thornton determine whether the waste rags are a hazardous waste by either applying knowledge of the hazardous properties of the waste rags or by testing a representative sample of the waste rags. The analyses should include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for organics using the method described in Env-Wm 403.06.

Please be advised that materials that are mixed with a listed hazardous waste are also regulated as hazardous wastes, as specified in Env-Wm 404.01(a)(1). Therefore, if the rags are used in conjunction with an F-listed solvent (e.g., tetrachloethylene, xylene) the rag is a hazardous waste. Materials that are mixed with characteristic hazardous wastes (e.g., ignitable, corrosive) are only hazardous if they continue to exhibit the characteristic after mixing has occurred, as specified in Env-Wm 404.01(a)(2).

Thornton will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

Alternatively, Thornton may be able to manage the waste rags as “contaminated cloth wipers for laundering.” DES defines “contaminated wipers” as rags, shop towels and wipers which have been used, contaminated with minor amounts of hazardous waste constituents such as solvents or oils, and are intended to be laundered before reuse. Please reference the enclosed DES Environmental Fact Sheet #WMD-HW-6, “Contaminated Cloth Wipers for Laundering,” to determine if this DES policy is applicable to your situation.

- (c) **Waste Paint Booth Filters:** DES requests that Thornton determine whether the waste paint booth filters are a hazardous waste by either applying knowledge of the hazardous properties of the waste paint booth filters or by testing a

representative sample of the waste paint booth filters. The analyses should include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for organics using the method described in Env-Wm 403.06.

Thornton will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

2. Env-Wm 507.01(a)(1) – Storage Requirements

At the time of the inspection, one (1) 55- gallon container of hazardous waste gasoline, stored outside was not in good condition. See the attached Main Storage Area Container Inventory (“Inventory”).

Env-Wm 507.01(a)(1) requires generators to ensure that containers storing hazardous waste are in good condition.

DES requested that Thornton transfer the contents of the container to a container that is in good condition and ensure that containers utilized in the future to store hazardous wastes are in good condition.

Note: On May 26, 2004 DES received confirmation that the waste gasoline had been transferred to another container and shipped off-site to a TSDF. No further action is required.

3. Env-Wm 507.01(b) - Impervious Surface

At the time of the inspection, the one (1) container of hazardous waste gasoline, stored outside, was not stored on an impervious surface.

Env-Wm 507.01(b) requires hazardous waste containers to be stored on impervious surfaces. Impervious surfaces include concrete and asphalt unless cracks or holes are present and do not include earthen, wooden or gravel surfaces.

DES requests that Thornton store all hazardous waste containers on impervious surfaces.

4. Env-Wm 507.01(e) – Outside Storage Requirements

At the time of the inspection, the one (1) container of hazardous waste gasoline stored outside was not covered (see the attached Inventory).

Env-Wm 507.01(e) requires that hazardous waste containers stored outside shall be covered to prevent precipitation from coming in contact with the tops of the containers

DES requests that Thornton cover all containers of hazardous waste stored outside.

5 Env-Wm 507.03(a)(1)b., c, & d.- Labeling Requirements

At the time of the inspection, thirteen (13) containers of hazardous waste paint sludge stored in the paint booth room and the one (1) container of hazardous waste gasoline, stored outside, were not marked with the words "hazardous waste", words that identify the contents, and the EPA or state waste number (see the attached Inventory). In addition, three (3) containers of hazardous waste, stored in the paint booth room were not marked with the words "hazardous waste," and the EPA or state waste number (see the attached Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the words "hazardous waste", words that identify the contents, and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requests that Thornton properly mark all containers of hazardous waste with the words "hazardous waste", words that identify the contents, and the EPA or state waste number at the time they are first used to store waste.

6 Env-Wm 508.03(a) – Hazardous Waste Container Inspection Requirements

At the time of the inspection, Thornton had not instituted a program to conduct and document container inspections in the hazardous waste storage area.

Env-Wm 508.03(a) requires small quantity generators using the extended storage provision to manage hazardous waste containers in accordance with 40 CFR Part 265 Subpart I – Use and Management of Containers, which includes weekly inspections of all hazardous waste containers.

DES requests that Thornton conduct and document weekly inspections of the hazardous waste storage area, looking for any leaks and deterioration due to corrosion or other factors. The enclosed sample inspection log will aid Thornton in achieving compliance.

7 Env-Wm 508.03(j) – Accumulation Date

At the time of the inspection, sixteen (16) containers of hazardous waste stored in the paint booth room and the one (1) container of hazardous waste gasoline stored outside

were not marked with the date the on-site accumulation limit of 1000 kilograms of non-acute hazardous waste was reached.

Env-Wm 508.03(j) requires small quantity generators using the extended quantity and storage provision to clearly label or mark containers and tanks used for the storage of hazardous waste with the date the on-site accumulation limit of 1000 kilograms of non-acute hazardous waste is reached.

DES requests that Thornton label or mark the hazardous waste containers with the date the on-site accumulation limit is reached. Thornton will need to ship the hazardous wastes off-site to an authorized facility within 90 days of the date the accumulation limit is reached in accordance with Env-Wm 508.03(i).

8. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Thornton was storing five (5) containers of used oil destined for recycling, which were not labeled with the words "Used Oil for Recycle." Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Thornton label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

9. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, two (2) containers of used oil and one (1) tank of used oil, destined for recycling, were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that Thornton keep all containers and tanks closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

10. Env-Wm 1102.03 - Universal Waste Management

At the time of the inspection, sixteen (16) universal waste batteries were not marked with the words "Universal Waste – Battery," "Waste Battery," or "Used Battery."

Env-Wm 1102.03 which references Env-Wm 1109.04, requires universal waste handlers of batteries to ensure all batteries or containers holding universal waste batteries to be clearly labeled or marked with any of the following: "Universal Waste – Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)."

DES requests that Thornton clearly label or mark its universal waste batteries with any of the following: "Universal Waste – Battery," "Waste Battery," or "Used Battery." Enclosed please find the DES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries- Requirements for Handlers and Transporters" to assist you in the management of universal waste batteries.

Alternatively, Thornton may elect to manage the universal waste batteries as spent lead-acid batteries being reclaimed, as specified in Env-Wm 809.02. Env-Wm 809.02 requires that generators and collectors of spent lead-acid batteries, destined for reclamation, store the batteries in a manner designed to ensure that battery housings do not break or leak acid onto the soil or into any ground waters or surface waters. At the time of the inspection, Thornton was storing automotive lead-acid batteries stacked outside, on a deteriorated and cracked asphalt surface, in a manner that subjected them to potential damage and/or breakage. Please refer to the enclosed DES Environmental Fact Sheet #WMD-SW-4 "Management of Used Motor Vehicle Batteries" to assist you with the proper management of spent lead-acid batteries being reclaimed.

11 Env-Wm 102.05– Universal Waste Management

At the time of the inspection, seven (7) universal waste batteries, located outside were not covered.

Env-Wm 1102.05 requires universal waste stored outside to be covered to prevent precipitation from coming in contact with the waste.

DES requests that Thornton ensure the universal waste stored outside are covered to prevent precipitation from coming in contact with the waste.

At the time of the inspection it was also noted that Thornton was conducting sand blasting operations outside of the building and leaving the sand blast grit on the ground. Analysis results from samples taken by DES personnel at the time of the inspection indicate that the sand blast grit is not hazardous waste; however, if the sand blast grit is spent or abandoned it must be properly disposed of as a solid waste. By copy of this letter, this issue has been referred to DES's Solid Waste Management Bureau. DES expects Thornton to pursue the issue of the sand blast grit by contacting Doug Kemp of the Solid Waste Compliance Subsection at 271-0674.

In the event compliance is not achieved within this period, DES may take further action against Thornton including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Robert Bishop
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

DES

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, Tod Leedberg, RCRA Compliance Supervisor, or me at 271-2942. Specific questions regarding water related issues may be directed to Mary Jane Meier of DES's Water Division at 271-5553, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Doug Kemp, Solid Waste Management Bureau

E-mail: JJD/SD/MM/PM

Enclosure: Hazardous Waste Generator Inspection Report
 DES Environmental Fact Sheet #WMD-HW-7, "Universal Waste Lamps: Management Requirements for
 Handlers and Transporters"
 DES "Fluorescent Lamp and Ballast Recycling Facility" list
 DES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries- Requirements for Handlers
 and Transporters"
 DES Environmental Fact Sheet #WMD-HW-6 "Contaminated Cloth Wipers for Laundering"
 DES Environmental Fact Sheet #WMD-SW-4 "Management of Used Motor Vehicle Batteries"